

109TH CONGRESS
1ST SESSION

H. R. 3603

To promote the economic development and recreational use of National Forest System lands and other public lands in central Idaho, to designate the Boulder-White Cloud Management Area to ensure the continued management of certain National Forest System lands and Bureau of Land Management lands for recreational and grazing use and conservation and resource protection, to add certain National Forest System lands and Bureau of Land Management lands in central Idaho to the National Wilderness Preservation System, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 28, 2005

Mr. SIMPSON introduced the following bill; which was referred to the
Committee on Resources

A BILL

To promote the economic development and recreational use of National Forest System lands and other public lands in central Idaho, to designate the Boulder-White Cloud Management Area to ensure the continued management of certain National Forest System lands and Bureau of Land Management lands for recreational and grazing use and conservation and resource protection, to add certain National Forest System lands and Bureau of Land Management lands in central Idaho to the National Wilderness Preservation System, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
 5 “Central Idaho Economic Development and Recreation
 6 Act”.

7 (b) TABLE OF CONTENTS.—The table of contents for
 8 this Act is as follows:

Sec. 1. Short title and table of contents.

TITLE I—CENTRAL IDAHO ECONOMIC DEVELOPMENT AND
RECREATION PROMOTION

- Sec. 101. Land conveyance, designated Sawtooth National Recreation Area land to Custer County, Idaho.
- Sec. 102. Land conveyance, designated Sawtooth National Forest and BLM land to Blaine County, Idaho.
- Sec. 103. Land conveyance, designated National Forest System land to City of Stanley, Idaho.
- Sec. 104. Land conveyance, designated BLM land to City of Clayton, Idaho.
- Sec. 105. Land conveyance, designated BLM land to City of Mackay, Idaho.
- Sec. 106. Land conveyance, designated BLM land to City of Challis, Idaho.
- Sec. 107. Land conveyance authority, support for motorized and bicycle recreation, public land in central Idaho.
- Sec. 108. Stanley-Redfish Lake bike and snowmobile trail.
- Sec. 109. Support for other trail construction and maintenance activities.
- Sec. 110. Support for outfitter and guide activities.
- Sec. 111. Red Trees Phase II study regarding forest health and public safety.
- Sec. 112. Grants to support sustainable economic development and recreation.
- Sec. 113. Continuation of public access to Bowery National Forest Guard Station.
- Sec. 114. Expansion and improvement of Herd Lake Campground.
- Sec. 115. Land exchange to eliminate State of Idaho inholdings in Sawtooth National Recreation Area and new wilderness areas.

TITLE II—CENTRAL IDAHO WILDERNESS AREAS

- Sec. 201. Additions to National Wilderness Preservation System.
- Sec. 202. General administration of wilderness areas.
- Sec. 203. Acquisition of mineral interests and lands from willing sellers.
- Sec. 204. Adjacent management.
- Sec. 205. Wildfire management.
- Sec. 206. Water rights.
- Sec. 207. Wildlife management.
- Sec. 208. Native American cultural and religious uses.
- Sec. 209. Military overflights.
- Sec. 210. Wilderness review.

TITLE III—BOULDER-WHITE CLOUD MANAGEMENT AREA

- Sec. 301. Establishment of management area.
 Sec. 302. Land acquisition in management area.
 Sec. 303. Motorized and bicycle travel.
 Sec. 304. Support and use of Idaho Off Road Motor Vehicle Program.
 Sec. 305. Airports and landing strips.

TITLE IV—WAIVER OF GRAZING PERMITS

- Sec. 401. Findings and purpose.
 Sec. 402. Voluntary grazing permit waiver program.
 Sec. 403. Compensation.

1 **TITLE I—CENTRAL IDAHO ECO-**
 2 **NOMIC DEVELOPMENT AND**
 3 **RECREATION PROMOTION**

4 **SEC. 101. LAND CONVEYANCE, DESIGNATED SAWTOOTH NA-**
 5 **TIONAL RECREATION AREA LAND TO CUSTER**
 6 **COUNTY, IDAHO.**

7 (a) CONVEYANCE REQUIRED.—Subject to the deed
 8 restrictions required by subsection (b), the Secretary of
 9 Agriculture, acting through the Chief of the Forest Serv-
 10 ice, shall convey, without consideration, to Custer County,
 11 Idaho (in this section referred to as the “County”), all
 12 right, title, and interest of the United States in and to
 13 certain Federal land in the Sawtooth National Recreation
 14 Area consisting of a total of approximately 86 acres, in-
 15 cluding a road encompassing approximately 15 acres, ad-
 16 joining the northern boundary of the City of Stanley,
 17 Idaho, and identified as Parcel B on the map entitled
 18 “_____” and dated _____, 2005.

1 (b) USE OF CONVEYED LAND.—In making the con-
2 veyance under subsection (a) to the County, the Secretary
3 shall include the following deed restrictions relating to the
4 use of the conveyed land to ensure that such use is con-
5 sistent with the planning process of the County and man-
6 agement of the Sawtooth National Recreation Area:

7 (1) LIMITATION ON NUMBER OF HOME SITES.—
8 Not more than 10 home sites may be developed on
9 the conveyed land, and houses and outbuildings con-
10 structed on the home sites may not be visible from
11 Highways 75 and 21.

12 (2) LIMITATIONS REGARDING HOUSE CON-
13 STRUCTION.—Not more than one single-family house
14 may be constructed on each home site, and each
15 house shall be subject to the following requirements:

16 (A) USE.—Residential.

17 (B) SIZE.—Not more than 3,500 square
18 feet gross floor space, including attached ga-
19 rage, but excluding basements, decks, and
20 porches. No more than 26 feet in height from
21 natural ground level, excluding any chimney.

22 (C) DESIGN.—Western ranch-style, having
23 rectangular or square sections with no more
24 than three ridgelines, excluding dormers.

1 (D) WINDOWS.—Rectangular or square,
2 divided light, and no more than 24 square feet
3 in size. Windows shall not exceed 30 percent of
4 the area of any wall.

5 (E) STRUCTURAL SIDING.—Log, log-sided,
6 rough-sawn lumber, board and batten, or suit-
7 able wood substitutes, which shall be harmo-
8 niously colored or have a natural wood finish.

9 (F) ROOF.—Wood, composite, or non-re-
10 flective metal in muted earth tones of brown.

11 (3) LIMITATIONS REGARDING OUTBUILDINGS.—
12 Not more than two outbuildings may be constructed
13 on each home site, and such outbuildings shall be
14 subject to the following requirements:

15 (A) USE.—A outbuilding may not include
16 kitchen or sleeping facilities or otherwise be
17 equipped for residential purposes.

18 (B) SIZE.—No more than 850 square feet
19 gross floor space in the aggregate. Single story,
20 no more than 26 feet from natural ground level.

21 (C) DESIGN.—Western ranch-style com-
22 prised of rectangular or square sections with no
23 more than one ridgeline.

24 (D) WINDOWS.—Rectangular or square,
25 divided light of no more than 24 square feet.

1 (E) STRUCTURAL SIDING.—Log, log-sided,
2 rough-sawn lumber, board and batten, or suit-
3 able wood substitutes, which shall be harmo-
4 niously colored or have a natural wood finish.

5 (F) ROOF.—Wood, composite, or non-re-
6 flective metal in muted earth tones of brown.

7 (4) LIMITATIONS REGARDING SATELLITE
8 DISH.—Each home site may contain not more than
9 one satellite dish, not to exceed 24 inches in diame-
10 ter, which shall be located as unobtrusively as best
11 available technology allows.

12 (5) LIMITATIONS REGARDING EXTERIOR LIGHT-
13 ING.—Each home site may contain not than two ex-
14 terior lighting sources, which shall be shielded down-
15 wards and may not exceed 150 watts each. Neither
16 light source may be flashing.

17 (6) LIMITATIONS REGARDING LANDSCAPING.—
18 The landscaping for each home site shall be compat-
19 ible with the open setting of the home site and incor-
20 porate materials, groundcover, shrubs, and trees
21 that are indigenous to the area. Areas exposed due
22 to excavation shall be rehabilitated to pre-excavation
23 conditions within two years following completion of
24 construction.

1 (7) LIMITATIONS REGARDING ROADS AND
2 DRIVEWAYS.—Any road or driveway for a home site
3 may not exceed 14 feet in width.

4 (8) LIMITATIONS REGARDING FENCING.—
5 Fences on a home site shall be in the log worm, log
6 block, or jack style and shall incorporate wildlife-
7 friendly elements.

8 (9) LIMITATIONS REGARDING UTILITIES.—All
9 new utilities serving a home site shall be located un-
10 derground.

11 (c) PROHIBITIONS.—

12 (1) SUBDIVISION.—Except as expressly author-
13 ized in subsection (b) regarding the land conveyed
14 under subsection (a), the conveyed land may not be
15 divided, subdivided or defacto subdivided through
16 sales, long-term leases, or other means.

17 (2) PROHIBITED USES.—The land conveyed
18 under subsection (a) may not be used for any of the
19 following purposes:

20 (A) Commercial, manufacturing, industrial,
21 mining, or drilling operations, except that small
22 in-home businesses, such as professional serv-
23 ices, may be allowed.

24 (B) Exploration, development, or extrac-
25 tion of minerals.

1 (C) Dumping or accumulation of trash, de-
2 bris, junk cars, unserviceable equipment, or
3 other unsightly materials.

4 (D) Placement of residential trailers, mo-
5 bile homes, manufactured homes, modular
6 buildings, or other such semi-permanent struc-
7 tures.

8 (E) Placement of towers, antennae, or sat-
9 ellite dishes that are not concealed from public
10 view, except to the extent that the right is ex-
11 pressly granted in subsection (b)(4).

12 (F) Placement of signs, billboards, or other
13 advertising devices, other than one property
14 identification sign and one for sale or rental
15 sign, not to exceed two square feet in area, and
16 such signs shall be harmonious in design and
17 color with the surroundings.

18 (G) Disposal or unlawful storage of haz-
19 ardous substances, as defined in the Com-
20 prehensive Environmental Response, Compensa-
21 tion, and Liability Act of 1980 (42 U.S.C. 9601
22 et seq.).

23 (d) SURVEY AND LEGAL DESCRIPTION.—The exact
24 acreage and legal description of the land to be conveyed
25 under subsection (a) shall be determined by a survey satis-

1 factory to the Secretary. The cost of the survey shall be
2 borne by the Secretary. The legal description shall be pre-
3 pared as soon as practicable after the date of the enact-
4 ment of this Act.

5 (e) APPROVAL AND ACCESS REQUIREMENTS.—Any
6 improvement to be made to a home site developed on the
7 land conveyed under subsection (a) shall be subject to the
8 approval in writing, and in advance of being made, by the
9 appropriate County officials. Representatives of the Coun-
10 ty may enter the home sites at reasonable times to monitor
11 compliance with the deed restrictions imposed by sub-
12 section (b).

13 (f) ENFORCEMENT.—As a condition on the convey-
14 ance under subsection (a), the County shall agree to en-
15 force the deed restrictions imposed by subsections (b) and
16 (c).

17 (g) REVERSIONARY INTEREST.—If the Secretary de-
18 termines at any time that a home site developed on the
19 land conveyed under subsection (a) is not in compliance
20 with the deed restrictions imposed by subsection (b) or
21 (c), all right, title, and interest in and to the home site,
22 including any improvements thereon, shall revert to the
23 United States, and the United States shall have the right
24 of immediate entry onto the property. Any determination
25 of the Secretary under this subsection shall be made on

1 the record after an opportunity for a hearing, and the Sec-
2 retary shall give the landowner a reasonable opportunity
3 to restore the home site to compliance with the deed re-
4 strictions.

5 (h) ACCESS.—The road referred to in subsection (a)
6 shall remain accessible to the public to provide access to
7 adjacent Federal land.

8 (i) ADDITIONAL TERM AND CONDITIONS.—The Sec-
9 retary may require such additional terms and conditions
10 in connection with the conveyance under subsection (a) as
11 the Secretary considers appropriate to protect the inter-
12 ests of the United States.

13 **SEC. 102. LAND CONVEYANCE, DESIGNATED SAWTOOTH NA-**
14 **TIONAL FOREST AND BLM LAND TO BLAINE**
15 **COUNTY, IDAHO.**

16 (a) CONVEYANCE REQUIRED.—The Secretary of Ag-
17 riculture, acting through the Chief of the Forest Service,
18 and the Secretary of the Interior, acting through the Di-
19 rector of the Bureau of Land Management, shall convey,
20 without consideration, to Blaine County, Idaho (in this
21 section referred to as the “County”), all right, title, and
22 interest of the United States in and to the parcels of Fed-
23 eral land in the Sawtooth National Forest and Bureau of
24 Land Management land identified for conveyance under

1 this section on the map entitled “Blaine County Convey-
2 ance” and dated November 1, 2005.

3 (b) TREATMENT OF ROADS AND TRAILS.—In making
4 the conveyance under subsection (a) to the County, the
5 Secretary shall include deed restrictions to ensure that any
6 roads and trails located on the conveyed land remain open
7 to public use notwithstanding any subsequent conveyance
8 of the land by the County.

9 (c) SURVEY.—The exact acreage and legal descrip-
10 tion of the land to be conveyed under subsection (a) shall
11 be determined by a survey satisfactory to the Secretary.
12 The cost of the survey shall be borne by the Secretary.

13 (d) ADDITIONAL TERM AND CONDITIONS.—The Sec-
14 retary may require such additional terms and conditions
15 in connection with the conveyance under subsection (a) as
16 the Secretary considers appropriate to protect the inter-
17 ests of the United States.

18 **SEC. 103. LAND CONVEYANCE, DESIGNATED NATIONAL**
19 **FOREST SYSTEM LAND TO CITY OF STANLEY,**
20 **IDAHO.**

21 (a) CONVEYANCE REQUIRED.—Subject to the deed
22 restrictions required by subsection (b), the Secretary of
23 Agriculture, acting through the Chief of the Forest Serv-
24 ice, shall convey, without consideration, to the City of
25 Stanley, Idaho (in this section referred to as the “City”),

1 all right, title, and interest of the United States in and
2 to National Forest System land consisting of two parcels
3 containing a total of approximately 8 acres adjoining the
4 western boundary of the City and a total of approximately
5 68 acres, including improvements, adjoining the north-
6 eastern boundary of the City, respectively, and identified
7 as Parcels A and C on the map entitled
8 “_____” and dated _____, 2005.

9 (b) USE OF PARCEL A LAND.—In making the con-
10 veyance under subsection (a) to the City of the land identi-
11 fied as Parcel A on the map referred to in such subsection,
12 the Secretary shall include the following deed restrictions
13 relating to the use of the conveyed land to ensure that
14 such use is consistent with the planning process of the
15 City and Custer County, Idaho, and management of adja-
16 cent National Forest System land:

17 (1) LIMITATION ON NUMBER OF HOME SITES.—

18 Not more than 4 home sites may be developed on
19 Parcel A.

20 (2) LIMITATIONS REGARDING HOUSE CON-

21 STRUCTION.—Not more than one single-family house
22 may be constructed on each home site, and each
23 house shall be subject to the following requirements:

24 (A) USE.—Residential.

1 (B) SIZE.—Not more than 3,000 square
2 feet gross floor space, including attached ga-
3 rage, but excluding basements, decks, and
4 porches. Single story, no more than 22 feet in
5 height from natural ground level, excluding any
6 chimney.

7 (C) DESIGN.—Western ranch-style, having
8 rectangular or square sections with no more
9 than two ridgelines, excluding dormers.

10 (D) WINDOWS.—Rectangular or square,
11 divided light, and no more than 24 square feet
12 in size. Windows with exterior walls visible from
13 Highway 21 shall not exceed 30 percent of the
14 area of the wall.

15 (E) STRUCTURAL SIDING.—Log, log-sided,
16 rough-sawn lumber, board and batten, or suit-
17 able wood substitutes, which shall be harmo-
18 niously colored or have a natural wood finish.

19 (F) ROOF.—Wood, composite, or non-re-
20 flective metal in muted earth tones of brown.

21 (3) LIMITATIONS REGARDING OUTBUILDINGS.—
22 Not more than one outbuilding may be constructed
23 on each home site, and the outbuilding shall be sub-
24 ject to the following requirements:

1 (A) USE.—A outbuilding may not include
2 kitchen or sleeping facilities or otherwise be
3 equipped for residential purposes.

4 (B) SIZE.—No more than 600 square feet
5 gross floor space in the aggregate. Single story,
6 no more than 22 feet from natural ground level.

7 (C) DESIGN.—Western ranch-style com-
8 prised of rectangular or square sections with no
9 more than one ridgeline.

10 (D) WINDOWS.—Rectangular or square,
11 divided light of no more than 24 square feet.

12 (E) STRUCTURAL SIDING.—Log, log-sided,
13 rough-sawn lumber, board and batten, or suit-
14 able wood substitutes, which shall be harmo-
15 niously colored or have a natural wood finish.

16 (F) ROOF.—Wood, composite, or non-re-
17 flective metal in muted earth tones of brown.

18 (4) LIMITATIONS REGARDING SATELLITE
19 DISH.—Each home site may contain not more than
20 one satellite dish, not to exceed 24 inches in diame-
21 ter, which shall be located as unobtrusively as best
22 available technology allows.

23 (5) LIMITATIONS REGARDING EXTERIOR LIGHT-
24 ING.—Each home site may contain not than two ex-
25 terior lighting sources, which shall be shielded down-

1 wards and may not exceed 150 watts each. Neither
2 light source may be flashing.

3 (6) LIMITATIONS REGARDING LANDSCAPING.—

4 The landscaping for each home site shall be compat-
5 ible with the open setting of the home site and incor-
6 porate materials, groundcover, shrubs, and trees
7 that are indigenous to the area. Areas exposed due
8 to excavation shall be rehabilitated to pre-excavation
9 conditions within two years following completion of
10 construction.

11 (7) LIMITATIONS REGARDING ROADS AND

12 DRIVEWAYS.—Any road or driveway for a home site
13 may not exceed 14 feet in width.

14 (8) LIMITATIONS REGARDING FENCING.—

15 Fences on a home site shall be in the log worm, log
16 block, or jack style and shall incorporate wildlife-
17 friendly elements.

18 (9) LIMITATIONS REGARDING UTILITIES.—All

19 new utilities serving a home site shall be located un-
20 derground.

21 (c) USE OF PARCEL C LAND.—In making the con-

22 veyance under subsection (a) to the City of the land identi-
23 fied as Parcel C on the map referred to in such subsection,
24 the Secretary shall include the following deed restrictions
25 relating to the use of the conveyed land to ensure that

1 such use is consistent with the planning process of the
2 City and Custer County, Idaho, and management of Na-
3 tional Forest System land:

4 (1) AUTHORIZED USES.—Parcel C may be
5 used—

6 (A) to provide housing for persons em-
7 ployed full-time, whether on a year-round basis
8 or seasonally, within the Sawtooth National
9 Recreation Area; and

10 (B) for other public purposes, including
11 use as the site for a park, cemetery, community
12 center, or educational facility

13 (2) LIMITATIONS REGARDING CONSTRU-
14 TION.—Any structure constructed on Parcel C shall
15 be subject to the following requirements:

16 (A) SIZE.—The size of the structure shall
17 be compatible with the building site and type of
18 use.

19 (B) DESIGN.—Western ranch-style, having
20 rectangular or square sections with no more
21 than three ridgelines, excluding dormers.

22 (C) HEIGHT.—The height of any structure
23 shall not exceed 30 feet from natural ground
24 level.

1 (D) WINDOWS.—Rectangular or square,
2 divided light, and no more than 24 square feet
3 in size. Windows with exterior walls facing
4 Highways 21 or 75 shall not exceed 30 percent
5 of the area of the wall.

6 (E) STRUCTURAL SIDING.—Log, log-sided,
7 rough-sawn lumber, board and batten, or suit-
8 able wood substitutes, which shall be harmo-
9 niously colored or have a natural wood finish.

10 (F) ROOF.—Wood, composite, or non-re-
11 flective metal in muted earth tones of brown.

12 (3) LIMITATIONS REGARDING SATELLITE
13 DISH.—Each structure may contain not more than
14 one satellite dish, not to exceed 24 inches in diame-
15 ter, which shall be located as unobtrusively as best
16 available technology allows.

17 (4) LIMITATIONS REGARDING EXTERIOR LIGHT-
18 ING.—Exterior lighting sources shall be shielded
19 downwards and may not be flashing.

20 (5) LIMITATIONS REGARDING LANDSCAPING.—
21 The landscaping for each structure shall be compat-
22 ible with an open setting and incorporate materials,
23 groundcover, shrubs, and trees that are indigenous
24 to the area. Areas exposed due to excavation shall be

1 rehabilitated to pre-excavation conditions within two
2 years following completion of construction.

3 (6) LIMITATIONS REGARDING ROADS AND
4 DRIVEWAYS.—Any road or driveway for a structure
5 may not exceed 24 feet in width.

6 (7) LIMITATIONS REGARDING FENCING.—Any
7 fence in Parcel C shall be in the log worm, log block,
8 or jack style and shall incorporate wildlife-friendly
9 elements.

10 (8) LIMITATIONS REGARDING UTILITIES.—All
11 new utilities serving Parcel C shall be located under-
12 ground.

13 (9) SIGNAGE.—Only signs identifying a com-
14 mercial enterprise being conducted on Parcel C may
15 be placed on the parcel. Signs may not exceed 20
16 square feet in area, and shall be subdued in appear-
17 ance and harmonizing in design and color with the
18 surroundings. No sign may be flashing.

19 (d) PROHIBITIONS.—

20 (1) SUBDIVISION.—Except as expressly author-
21 ized in subsection (b) or (c) regarding the land con-
22 veyed under subsection (a), the conveyed land may
23 not be divided, subdivided or defacto subdivided
24 through sales, long-term leases, or other means.

1 (2) PROHIBITED USES.—The land conveyed
2 under subsection (a) may not be used for any of the
3 following purposes:

4 (A) Commercial, manufacturing, industrial,
5 mining, or drilling operations, except that small
6 in-home businesses, such as professional serv-
7 ices, may be allowed, and, subject to subsection
8 (c)(1)(B), certain commercial operations may
9 be allowed on the land identified as Parcel C on
10 the map referred to in subsection (a).

11 (B) Exploration, development, or extrac-
12 tion of minerals.

13 (C) Dumping or accumulation of trash, de-
14 bris, junk cars, unserviceable equipment, or
15 other unsightly materials.

16 (D) Placement of residential trailers, mo-
17 bile homes, manufactured homes, modular
18 buildings, or other such semi-permanent struc-
19 tures.

20 (E) Placement of towers, antennae, or sat-
21 ellite dishes that are not concealed from public
22 view, except to the extent that the right is ex-
23 pressly granted in subsection (b)(4) or (c)(3).

24 (F) Placement of signs, billboards, or other
25 advertising devices, except—

1 (i) as provided in subsection (c)(9)
2 with regard to the land identified as Parcel
3 C; and

4 (ii) one property identification sign
5 and one for sale or rental sign, not to ex-
6 ceed two square feet in area, which shall
7 be harmonious in design and color with the
8 surroundings.

9 (G) Disposal or unlawful storage of haz-
10 ardous substances, as defined in the Com-
11 prehensive Environmental Response, Compensa-
12 tion, and Liability Act of 1980 (42 U.S.C. 9601
13 et seq.).

14 (e) SURVEY AND LEGAL DESCRIPTION.—The exact
15 acreage and legal description of the land to be conveyed
16 under subsection (a) shall be determined by a survey satis-
17 factory to the Secretary. The cost of the survey shall be
18 borne by the Secretary. The legal description shall be pre-
19 pared as soon as practicable after the date of the enact-
20 ment of this Act.

21 (f) APPROVAL AND ACCESS REQUIREMENTS.—

22 (1) GENERAL REQUIREMENTS.—Any improve-
23 ment to be made to land conveyed under subsection
24 (a) shall be subject to the approval in writing, and
25 in advance of being made, by the appropriate City

1 officials. Representatives of the City may enter the
2 land at reasonable times to monitor compliance with
3 the deed restrictions imposed by subsection (b), (c),
4 or (d).

5 (2) PREPARATION AND APPROVAL OF DEVELOP-
6 MENT PLAN FOR PARCEL C.—The land identified as
7 Parcel C on the map referred to in subsection (a)
8 and conveyed to the City under such subsection shall
9 not developed until such time as a development plan
10 consistent with subsections (c) and (d) is reviewed
11 and approved by a special commission consisting of
12 at least one elected official representing Custer
13 County, one elected official representing the City,
14 and three individuals who are not employed by or of-
15 ficials of the County or City and reside within the
16 boundaries of the Sawtooth National Recreation
17 Area. The non-governmental representatives shall be
18 selected jointly by the elected officials on the com-
19 mission.

20 (g) ENFORCEMENT.—As a condition on the convey-
21 ance under subsection (a), the City shall agree to enforce
22 the deed restrictions imposed by subsections (b), (c), and
23 (d).

24 (h) REVERSIONARY INTEREST.—If the Secretary de-
25 termines at any time that any portion of the land conveyed

1 under subsection (a) is not being used in compliance with
2 the deed restrictions applicable to that portion of the land
3 under subsection (b), (c), or (d), all right, title, and inter-
4 est in and to that portion of the land, including any im-
5 provements thereon, shall revert to the United States, and
6 the United States shall have the right of immediate entry
7 onto the property. Any determination of the Secretary
8 under this subsection shall be made on the record after
9 an opportunity for a hearing, and the Secretary shall give
10 the landowner a reasonable opportunity to restore the
11 property to compliance with the deed restrictions.

12 (i) SURVEY.—The exact acreage and legal description
13 of the land to be conveyed under subsection (a) shall be
14 determined by a survey satisfactory to the Secretary. The
15 cost of the survey shall be borne by the Secretary.

16 (j) ADDITIONAL TERM AND CONDITIONS.—The Sec-
17 retary may require such additional terms and conditions
18 in connection with the conveyance under subsection (a) as
19 the Secretary considers appropriate to protect the inter-
20 ests of the United States.

21 **SEC. 104. LAND CONVEYANCE, DESIGNATED BLM LAND TO**
22 **CITY OF CLAYTON, IDAHO.**

23 (a) CONVEYANCE REQUIRED.—The Secretary of the
24 Interior, acting through the Director of the Bureau of
25 Land Management, shall convey, without consideration, to

1 the City of Clayton, Idaho, all right, title, and interest of
2 the United States in and to the Bureau of Land Manage-
3 ment land identified for conveyance under this section on
4 the map entitled “City of Clayton Conveyance” and dated
5 November 1, 2005.

6 (b) SURVEY.—The exact acreage and legal descrip-
7 tion of the land to be conveyed under subsection (a) shall
8 be determined by a survey satisfactory to the Secretary.
9 The cost of the survey shall be borne by the Secretary.

10 (c) ADDITIONAL TERM AND CONDITIONS.—The Sec-
11 retary may require such additional terms and conditions
12 in connection with the conveyance under subsection (a) as
13 the Secretary considers appropriate to protect the inter-
14 ests of the United States.

15 **SEC. 105. LAND CONVEYANCE, DESIGNATED BLM LAND TO**
16 **CITY OF MACKAY, IDAHO.**

17 (a) CONVEYANCE REQUIRED.—The Secretary of the
18 Interior, acting through the Director of the Bureau of
19 Land Management, shall convey, without consideration, to
20 the City of Mackay, Idaho, all right, title, and interest of
21 the United States in and to the Bureau of Land Manage-
22 ment land identified for conveyance under this section on
23 the map entitled “City of Mackay Conveyance” and dated
24 November 1, 2005.

1 (b) SURVEY.—The exact acreage and legal descrip-
 2 tion of the land to be conveyed under subsection (a) shall
 3 be determined by a survey satisfactory to the Secretary.
 4 The cost of the survey shall be borne by the Secretary.

5 (c) ADDITIONAL TERM AND CONDITIONS.—The Sec-
 6 retary may require such additional terms and conditions
 7 in connection with the conveyance under subsection (a) as
 8 the Secretary considers appropriate to protect the inter-
 9 ests of the United States.

10 **SEC. 106. LAND CONVEYANCE, DESIGNATED BLM LAND TO**
 11 **CITY OF CHALLIS, IDAHO.**

12 (a) CONVEYANCE REQUIRED.—The Secretary of the
 13 Interior, acting through the Director of the Bureau of
 14 Land Management, shall convey, without consideration, to
 15 the City of Challis, Idaho, all right, title, and interest of
 16 the United States in and to the Bureau of Land Manage-
 17 ment land identified for conveyance under this section on
 18 the map entitled “City of Challis Conveyance” and dated
 19 November 1, 2005.

20 (b) SURVEY.—The exact acreage and legal descrip-
 21 tion of the land to be conveyed under subsection (a) shall
 22 be determined by a survey satisfactory to the Secretary.
 23 The cost of the survey shall be borne by the Secretary.

24 (c) ADDITIONAL TERM AND CONDITIONS.—The Sec-
 25 retary may require such additional terms and conditions

1 in connection with the conveyance under subsection (a) as
2 the Secretary considers appropriate to protect the inter-
3 ests of the United States.

4 **SEC. 107. LAND CONVEYANCE AUTHORITY, SUPPORT FOR**
5 **MOTORIZED AND BICYCLE RECREATION,**
6 **PUBLIC LAND IN CENTRAL IDAHO.**

7 (a) **MOTORIZED RECREATION PARK.**—Subject to
8 subsection (b), the Secretary of the Interior shall convey,
9 without consideration, to the State of Idaho (in this sec-
10 tion referred to as the “State”) all right, title, and interest
11 of the United States in and to a parcel of public land ad-
12 ministered through the Bureau of Land Management, con-
13 sisting of approximately 960 acres near Boise, Idaho, for
14 the purpose of permitting the State to establish a motor-
15 ized recreation park on the land. As a condition of the
16 conveyance of the land, the State shall agree to include
17 a beginner track as part of the recreation park to be used
18 to teach safe, responsible riding techniques and to estab-
19 lish areas for drivers with different levels of skills.

20 (b) **RESERVATION OF PORTION FOR BICYCLE USE.**—
21 As a condition of the conveyance of the land under sub-
22 section (a), the State shall reserve 20 acres of the con-
23 veyed land for the use of mountain bikes and open the
24 reserved portion to such use as soon as practicable after
25 the date of the conveyance. Funds appropriated pursuant

1 to the authorization of appropriations in section 109 shall
2 be available to facilitate the establishment of the bicycle
3 portion of the recreation park.

4 (c) SURVEY.—The exact acreage and legal descrip-
5 tion of the land to be conveyed under this section shall
6 be determined by a survey satisfactory to the Secretary.
7 The cost of the survey shall be borne by the State.

8 (d) ADDITIONAL TERM AND CONDITIONS.—The Sec-
9 retary concerned may require such additional terms and
10 conditions in connection with the conveyance under this
11 section as the Secretary considers appropriate to protect
12 the interests of the United States.

13 **SEC. 108. STANLEY-REDFISH LAKE BIKE AND SNOWMOBILE**
14 **TRAIL.**

15 (a) DEVELOPMENT OF TRAIL.—The Secretary of Ag-
16 riculture shall design, construct, and maintain a paved
17 trail between the city of Stanley, Idaho, and Redfish Lake
18 that is designated for use—

19 (1) by pedestrians and non-motorized vehicles
20 generally; and

21 (2) as a snowmobile route when there is ade-
22 quate snow cover.

23 (b) ACQUISITION FROM WILLING SELLERS.—Any
24 land or interests in land to be acquired by the Secretary
25 for construction of the paved trail required by subsection

1 (a) shall be acquired only by donation or by purchase from
2 willing sellers.

3 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
4 authorized to be appropriated to the Secretary \$500,000
5 to carry out this section. Amounts appropriated pursuant
6 to this authorization of appropriations shall remain avail-
7 able until expended.

8 **SEC. 109. SUPPORT FOR OTHER TRAIL CONSTRUCTION AND**
9 **MAINTENANCE ACTIVITIES.**

10 There is authorized to be appropriated to the Sec-
11 retary of Agriculture or the Secretary of the Interior
12 \$500,000 for the construction and maintenance of bicycle
13 trails in the State of Idaho. Amounts appropriated pursu-
14 ant to this authorization of appropriations shall remain
15 available until expended.

16 **SEC. 110. SUPPORT FOR OUTFITTER AND GUIDE ACTIVI-**
17 **TIES.**

18 (a) EXISTING OPERATING PERMITS.—Before the end
19 of the one-year period beginning on the date of the enact-
20 ment of this Act, the Secretary of Agriculture and the Sec-
21 retary of the Interior shall grant a 10-year extension of
22 each guide or outfitter operating permit that, as of the
23 date of the enactment of this Act, authorized activities on
24 lands included in a wilderness area designated by title II
25 or the Boulder-White Cloud Management Area established

1 by title III. The Secretary concerned may refuse to grant
 2 the extension of a permit only if the Secretary determines
 3 that the permittee has not operated in a satisfactory man-
 4 ner in compliance with the terms and conditions of the
 5 permit. The Secretary concerned may require the modi-
 6 fication of the extended permit as necessary to comply
 7 with the requirements of this Act.

8 (b) FUTURE OUTFITTER AND GUIDE ACTIVITIES.—
 9 Future extensions of outfitter and guide activities and per-
 10 mits for outfitters on lands included in a wilderness area
 11 designated by title II or the Boulder-White Cloud Manage-
 12 ment Area established by title III shall be administered
 13 in accordance with applicable Federal laws and resource
 14 management plans. No person shall conduct outfitter and
 15 guide activities on such Federal land except as authorized
 16 by the Secretary concerned.

17 **SEC. 111. RED TREES PHASE II STUDY REGARDING FOREST**
 18 **HEALTH AND PUBLIC SAFETY.**

19 (a) STUDY REQUIRED.—Not later than _____,
 20 2005, the Secretary of Agriculture shall complete and sub-
 21 mit to Congress a Red Trees Phase II study evaluating,
 22 in accordance with Federal laws and regulations, nec-
 23 essary landscape approaches to risk assessment to identify
 24 forest health projects that, if implemented, will effectively
 25 mitigate major fire risks on lands included in the Saw-

1 tooth National Recreation Area. The Secretary shall in-
2 clude, as part of the submission to Congress, such rec-
3 ommendations as the Secretary considers appropriate for
4 the timely implementation of the projects, the local utiliza-
5 tion of forest products derived from the projects, and con-
6 servation measures to protect soil, water, wildlife, recre-
7 ation, and scenic values.

8 (b) TREATMENT OF PROCEEDS.—Notwithstanding
9 any other provision of law, proceeds derived from any for-
10 est health project recommended as part of the study re-
11 quired by subsection (a), in excess of the costs incurred
12 to administer the project, shall be available to the Sec-
13 retary, without appropriation and until expended, to carry
14 out conservation projects in the Boulder-White Clouds
15 Management Area established by title III.

16 **SEC. 112. GRANTS TO SUPPORT SUSTAINABLE ECONOMIC**
17 **DEVELOPMENT AND RECREATION.**

18 (a) GRANT TO CUSTER COUNTY, IDAHO.—The Sec-
19 retary of Agriculture may make a grant to Custer County,
20 Idaho, for the purpose of assisting the County in sup-
21 porting sustainable economic development in the County.

22 (b) GRANT TO STATE OF IDAHO.—The Secretary of
23 Agriculture may make a grant to the State of Idaho Parks
24 and Recreation Department for the purpose of assisting

1 the State in purchasing Bayhorse Campground for use as
2 a State park.

3 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
4 authorized to be appropriated to the Secretary of Agri-
5 culture—

6 (1) \$5,000,000 to make the grant under sub-
7 section (a); and

8 (2) \$500,000 to make the grant under sub-
9 section (b).

10 **SEC. 113. CONTINUATION OF PUBLIC ACCESS TO BOWERY**
11 **NATIONAL FOREST GUARD STATION.**

12 (a) CONSTRUCTION OF ROAD AND BRIDGE.—To en-
13 sure continued public access to the Bowery Guard Station,
14 the Secretary of Agriculture shall construct a new road
15 on National Forest System lands, to the east of the exist-
16 ing private property line on the east side of the Leisinger
17 property, and a new bridge over West Pass Creek as part
18 of such road.

19 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
20 authorized to be appropriated to the Secretary such sums
21 as may be necessary to carry out this section. Amounts
22 appropriated pursuant to this authorization of appropria-
23 tions shall remain available until expended.

1 **SEC. 114. EXPANSION AND IMPROVEMENT OF HERD LAKE**
2 **CAMPGROUND.**

3 (a) EXPANSION AND IMPROVEMENT OF CAMP-
4 GROUND.—The Secretary of the Interior shall expand and
5 improve the Herd Lake Campground facilities located
6 below the outlet of Herd Lake.

7 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
8 authorized to be appropriated to the Secretary \$500,000
9 to carry out this section. Amounts appropriated pursuant
10 to this authorization of appropriations shall remain avail-
11 able until expended.

12 **SEC. 115. LAND EXCHANGE TO ELIMINATE STATE OF IDAHO**
13 **INHOLDINGS IN SAWTOOTH NATIONAL**
14 **RECREATION AREA AND NEW WILDERNESS**
15 **AREAS.**

16 (a) EXCHANGES AUTHORIZED.—The Secretary of
17 Agriculture and the Secretary of the Interior may execute
18 one or more land exchanges with the State of Idaho for
19 the purpose of eliminating State inholdings within the
20 boundaries of the Sawtooth National Recreation Area and
21 the wilderness areas designated by title II. The Federal
22 land available for use to carry out an exchange under this
23 section and the State inholdings to be acquired are de-
24 picted on the map entitled _____ and dated _____,
25 2005.

1 (b) EXCHANGE PROCESS.—The land exchanges au-
 2 thorized by this section shall be carried out in the manner
 3 provided in section 206 of the Federal Land Policy and
 4 Management Act of 1976 (43 U.S.C. 1716).

5 **TITLE II—CENTRAL IDAHO**
 6 **WILDERNESS AREAS**

7 **SEC. 201. ADDITIONS TO NATIONAL WILDERNESS PRESER-**
 8 **VATION SYSTEM.**

9 (a) ADDITIONS.—Congress has determined that the
 10 following lands in central Idaho shall be designated as wil-
 11 derness and managed as components of the National Wil-
 12 derness Preservation System:

13 (1) ERNEST HEMINGWAY-BOULDER WILDER-
 14 NESS.—Certain Federal land in the Sawtooth and
 15 Challis National Forests, comprising approximately
 16 96,700 acres, as generally depicted on the map enti-
 17 tled “Ernest Hemingway-Boulder” and dated
 18 _____, which shall be known as the “Ernest
 19 Hemingway-Boulder Wilderness”.

20 (2) WHITE CLOUDS WILDERNESS.—Certain
 21 Federal land in the Sawtooth and Challis National
 22 Forests, comprising approximately 73,100 acres, as
 23 generally depicted on the map entitled “White
 24 Clouds” and dated _____, which shall be
 25 known as the “White Clouds Wilderness”.

1 (3) JERRY PEAK WILDERNESS.—Certain Fed-
2 eral land in the Challis National Forest and Challis
3 District of the Bureau of Land Management, com-
4 prising approximately 131,700 acres, as generally
5 depicted on the map entitled “Jerry Peak Wilder-
6 ness” and dated _____, which shall be
7 known as the “Jerry Peak Wilderness”.

8 (b) MAPS AND LEGAL DESCRIPTION.—

9 (1) IN GENERAL.—As soon as practicable after
10 the date of enactment of this Act, the Secretary of
11 Agriculture, in the case of the wilderness areas des-
12 ignated by paragraphs (1) and (2) of subsection (a),
13 and the Secretary of the Interior, in the case of the
14 wilderness area designated by paragraph (3) of such
15 subsection, in this title referred to as the “Secretary
16 concerned”, shall file a map and legal description of
17 the wilderness areas designated by such subsection
18 with the Committee on Resources of the House of
19 Representatives and the Committee on Energy and
20 Natural Resources of the Senate.

21 (2) EFFECT.—Each map and legal description
22 shall have the same force and effect as if included
23 in this title, except that the Secretary concerned
24 may correct clerical and typographical errors in the
25 map or legal description.

1 (3) AVAILABILITY.—Each map and legal de-
2 scription shall be on file and available for public in-
3 spection in the appropriate offices of the Bureau of
4 Land Management or the Forest Service.

5 (c) WITHDRAWAL.—Subject to valid existing rights,
6 the wilderness areas designated in subsection (a) are with-
7 drawn from all forms of entry, appropriation, and disposal
8 under the public land laws, location, entry, and patent
9 under the mining laws, and operation of the mineral leas-
10 ing, mineral materials, and geothermal leasing laws.

11 **SEC. 202. GENERAL ADMINISTRATION OF WILDERNESS**
12 **AREAS.**

13 (a) APPLICATION OF WILDERNESS ACT.—Subject to
14 valid existing rights, the wilderness areas designated by
15 section 201 shall be managed by the Secretary concerned
16 in accordance with the Wilderness Act (16 U.S.C. 1131
17 et seq.) and this title. With respect to the wilderness areas,
18 any reference in the Wilderness Act to the effective date
19 of the Wilderness Act shall be deemed to be a reference
20 to the date of the enactment of this Act, and any reference
21 in the Wilderness Act to the Secretary of Agriculture shall
22 be deemed to be a reference to the Secretary concerned.

23 (b) CONSISTENT INTERPRETATION TO THE PUB-
24 LIC.—Although the wilderness areas designated by section
25 201 consist of National Forest System land under the ju-

1 jurisdiction of the Secretary of Agriculture and public land
2 under the jurisdiction of the Secretary of the Interior, the
3 Secretary of Agriculture and the Secretary of the Interior
4 shall collaborate to assure that the wilderness areas are
5 interpreted to the public as an overall complex tied to-
6 gether by common location in the Boulder-White Cloud
7 Mountains and common identity with the natural and cul-
8 tural history of the State of Idaho and its Native Amer-
9 ican and pioneer heritage.

10 (c) COMPREHENSIVE WILDERNESS MANAGEMENT
11 PLAN.—Not later than three years after the date of the
12 enactment of this Act, the Secretary of Agriculture and
13 Secretary of the Interior shall collaborate to develop a
14 comprehensive wilderness management plan for the wil-
15 derness areas designated by section 201. The completed
16 management plan shall be submitted to the Committee on
17 Resources of the House of Representatives and the Com-
18 mittee on Energy and Natural Resources of the Senate.

19 (d) FIRE, INSECTS, AND DISEASES.—Within the wil-
20 derness area designated by section 201, the Secretary con-
21 cerned may take such measures as the Secretary con-
22 cerned determines to be necessary for the control of fire,
23 insects, and diseases, subject to such conditions as the
24 Secretary concerned considers desirable, as provided in

1 section 4(d)(1) of the Wilderness Act (16 U.S.C.
2 1131(d)(1)).

3 (e) WILDERNESS TRAILS AND TRAILHEADS.—

4 (1) CONSTRUCTION OF NEW TRAILHEAD.—The
5 Secretary concerned shall construct a new trailhead
6 for nonmotorized users and improve access to the
7 Wickiup Trail (#684) and at the Big Boulder Trail-
8 head to separate motorized/bicycle users from non-
9 motorized/bicycle users.

10 (2) INCLUSION OF ACCESSIBLE TRAILS.—The
11 Secretary concerned may establish primitive, non-
12 paved wheelchair accessible trails into the wilderness
13 areas designated by section 201, including at the
14 Bowery Creek Guard Station along the East Fork of
15 the Salmon River.

16 (f) TREATMENT OF EXISTING CLAIMS AND PRIVATE
17 LANDS.—Nothing in this title is intended to affect the
18 rights or interests in real property, patented mining
19 claims, or valid claims or prevent reasonable access for
20 the development and use of valid mineral rights. The Sec-
21 retary concerned may enter into negotiations with the
22 holder of a patented claim or valid claim located in a wil-
23 derness area designated by section 201 for the voluntary
24 relinquishment of the claim.

1 (g) GRAZING.—Grazing of livestock in a wilderness
2 area designated by section 201, where established before
3 the date of the enactment of this Act, shall be adminis-
4 tered in accordance with the provisions of section 4(d)(4)
5 of the Wilderness Act (16 U.S.C. 1133(d)(4)), section 108
6 of Public Law 96–560, and section 101(f) of Public Law
7 101–628, and in accordance with the guidelines set forth
8 in Appendix A of House Report 96–617 of the 96th Con-
9 gress and House Report 101–405 of the 101st Congress.

10 (h) COMMERCIAL OUTFITTERS AND SADDLE AND
11 PACK STOCK.—Nothing in this title shall preclude horse-
12 back riding or the entry of recreational saddle or pack
13 stock into the wilderness areas designated by section 201,
14 including when such entry is made by commercial outfit-
15 ters.

16 **SEC. 203. ACQUISITION OF MINERAL INTERESTS AND**
17 **LANDS FROM WILLING SELLERS.**

18 (a) ACQUISITION.—Within the boundaries of the wil-
19 derness areas designated by section 201, the Secretary
20 concerned may acquire, through purchase from willing
21 sellers or donation from willing owners, all right, title, and
22 interest in all mineral interests and parcels of land that
23 have been patented under the Act of May 10, 1872 (30
24 U.S.C. 22 et seq.; commonly known as the Mining Act
25 of 1872).

1 (b) CONSIDERATION.—In exercising the authority
2 provided by subsection (a) to acquire lands and interests,
3 the Secretary concerned shall offer the owners of record
4 of each patent, who voluntarily wish to sell, \$20,000 as
5 compensation for the acquisition of these interests. The
6 Secretary concerned shall make such offers as soon as
7 practicable after the date of the enactment of this Act and
8 such offers shall remain open for acceptance during the
9 five-year period beginning on such date.

10 (c) INCORPORATION IN WILDERNESS AREA.—Any
11 land or interest in land located inside the boundaries of
12 a wilderness area designated by section 201 that is ac-
13 quired by the United States after the date of the enact-
14 ment of this Act shall be added to and administered as
15 part of that wilderness area.

16 **SEC. 204. ADJACENT MANAGEMENT.**

17 (a) NO PROTECTIVE PERIMETERS OR BUFFER
18 ZONES.—Congress does not intend for the designation of
19 the wilderness areas by section 201 to lead to the creation
20 of protective perimeters or buffer zones around any such
21 wilderness area.

22 (b) NONWILDERNESS ACTIVITIES.—The fact that
23 nonwilderness activities or uses outside of a wilderness
24 area designated by section 201 can be seen or heard from
25 inside of the wilderness area shall not preclude the conduct

1 of those activities or uses outside the boundaries of the
2 wilderness area.

3 **SEC. 205. WILDFIRE MANAGEMENT.**

4 Consistent with section 4 of the Wilderness Act (16
5 U.S.C. 1133), nothing in this title precludes a Federal,
6 State, or local agency from conducting wildfire manage-
7 ment operations, including operations using aircraft or
8 mechanized equipment, to manage wildfires in the wilder-
9 ness areas designated by section 201.

10 **SEC. 206. WATER RIGHTS.**

11 (a) FINDINGS.—Congress finds the following:

12 (1) The lands designated as wilderness areas by
13 section 201 are located at the headwaters of the
14 streams and rivers on those lands, with few, if any,
15 actual or proposed water resource facilities located
16 upstream from such lands and few, if any, opportu-
17 nities for diversion, storage, or other uses of water
18 occurring outside such lands that would adversely
19 affect the wilderness values of such lands.

20 (2) The lands designated as wilderness areas by
21 section 201 are not suitable for use for development
22 of new water resource facilities or for the expansion
23 of existing facilities.

24 (3) Therefore, it is possible to provide for prop-
25 er management and protection of the wilderness

1 value of the lands designated as wilderness areas by
2 section 201 in ways different from the ways utilized
3 in other laws designating wilderness areas.

4 (b) PURPOSE.—The purpose of this section is to pro-
5 tect the wilderness values of the lands designated as wil-
6 derness areas by section 201 by means other than a feder-
7 ally reserved water right.

8 (c) STATUTORY CONSTRUCTION.—Nothing in this
9 title—

10 (1) shall constitute, or be construed to con-
11 stitute, either an express or implied reservation by
12 the United States of any water or water rights with
13 respect to the wilderness areas designated by section
14 201;

15 (2) shall affect any water rights in the State of
16 Idaho existing on the date of the enactment of this
17 Act, including any water rights held by the United
18 States;

19 (3) shall be construed as establishing a prece-
20 dent with regard to any future wilderness designa-
21 tions;

22 (4) shall be construed as limiting, altering,
23 modifying, or amending any of the interstate com-
24 pacts or equitable apportionment decrees that appor-

1 tion water among and between the State of Idaho
2 and other States; and

3 (5) shall be construed as limiting, altering,
4 modifying, or amending provisions of Public Law
5 92–400, which established the Sawtooth National
6 Recreation Area (16 U.S.C. 460aa et seq.).

7 (d) IDAHO WATER LAW.—The Secretary concerned
8 shall follow the procedural and substantive requirements
9 of the law of the State of Idaho when seeking to establish
10 any water rights, not in existence on the date of the enact-
11 ment of this Act, with respect to the wilderness areas des-
12 ignated by section 201.

13 (e) NEW PROJECTS.—

14 (1) PROHIBITION.—Except as otherwise pro-
15 vided in this Act, on and after the date of the enact-
16 ment of this Act, neither the President nor any
17 other officer, employee, or agent of the United
18 States shall fund, assist, authorize, or issue a license
19 or permit for the development of any new water re-
20 source facility inside any of the wilderness areas des-
21 ignated by section 201.

22 (2) DEFINITION.—In this subsection, the term
23 “water resource facility” means irrigation and
24 pumping facilities, reservoirs, water conservation
25 works, aqueducts, canals, ditches, pipelines, wells,

1 hydropower projects, and transmission and other an-
2 cillary facilities, and other water diversion, storage,
3 and carriage structures.

4 **SEC. 207. WILDLIFE MANAGEMENT.**

5 (a) STATE JURISDICTION.—In accordance with sec-
6 tion 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)),
7 nothing in this title affects or diminishes the jurisdiction
8 of the State of Idaho with respect to fish and wildlife man-
9 agement, including the regulation of hunting, fishing, and
10 trapping, in the wilderness areas designated by section
11 201.

12 (b) MANAGEMENT ACTIVITIES.—In furtherance of
13 the purposes and principles of the Wilderness Act, man-
14 agement activities to maintain or restore fish and wildlife
15 populations and the habitats to support such populations
16 may be carried out within wilderness areas designated by
17 section 201 where consistent with relevant wilderness
18 management plans, in accordance with appropriate poli-
19 cies such as those set forth in Appendix B of House Re-
20 port 101–405 of the 101st Congress, including the occa-
21 sional and temporary use of motorized vehicles, if such
22 use, as determined by the Secretary concerned would pro-
23 mote healthy, viable, and more naturally distributed wild-
24 life populations that would enhance wilderness values and

1 accomplish those purposes with the minimum impact nec-
2 essary to reasonably accomplish the task.

3 (c) USE OF AIRCRAFT.—Consistent with section
4 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)) and
5 in accordance with appropriate policies such as those set
6 forth in Appendix B of House Report 101–405 of the
7 101st Congress, the State of Idaho may continue to use
8 aircraft, including helicopters, to survey, capture, trans-
9 plant, monitor, and manage elk, deer, bighorn sheep,
10 mountain goats, wolves, grizzly bears, and other wildlife
11 and fish.

12 (d) HUNTING, FISHING, AND TRAPPING.—Nothing in
13 this title shall affect hunting, fishing, and trapping, under
14 applicable State and Federal laws and regulations, in the
15 wilderness areas designated by section 201. The Secretary
16 concerned may designate, by regulation in consultation
17 with the appropriate State agency (except in emergencies),
18 areas in which, and establish periods during which, for
19 reasons of public safety, administration, or compliance
20 with applicable laws, no hunting, fishing, or trapping will
21 be permitted in the wilderness areas.

22 **SEC. 208. NATIVE AMERICAN CULTURAL AND RELIGIOUS**
23 **USES.**

24 Nothing in this title shall be construed to diminish
25 the rights of any Indian tribe. Nothing in this title shall

1 be construed to diminish tribal rights regarding access to
2 Federal lands for tribal activities, including spiritual, cul-
3 tural, and traditional food-gathering activities.

4 **SEC. 209. MILITARY OVERFLIGHTS.**

5 Nothing in this title restricts or precludes—

6 (1) low-level overflights of military aircraft over
7 the wilderness areas designated by section 201, in-
8 cluding military overflights that can be seen or
9 heard within the wilderness areas;

10 (2) flight testing and evaluation; or

11 (3) the designation or creation of new units of
12 special use airspace, or the establishment of military
13 flight training routes, over the wilderness areas.

14 **SEC. 210. WILDERNESS REVIEW.**

15 (a) NATIONAL FORESTS.—Section 5 of Public Law
16 92–400 (16 U.S.C. 460aa–4), which required a review of
17 the undeveloped and unimproved portion or portions of the
18 Sawtooth National Recreation Area established by that
19 Act as to suitability or unsuitability for preservation as
20 part of the National Wilderness Preservation System, is
21 repealed.

22 (b) PUBLIC LANDS.—

23 (1) FINDING.—Congress finds that, for the pur-
24 pose of section 603 of the Federal Land Policy and
25 Management Act of 1976 (43 U.S.C. 1782), the

1 public land administered by the Bureau of Land
2 Management in the following areas have been ade-
3 quately studied for wilderness designation:

4 (A) The Jerry Peak Wilderness Study
5 Area.

6 (B) The Jerry Peak West Wilderness
7 Study Area.

8 (C) The Corral-Horse Basin Wilderness
9 Study Area.

10 (D) The Boulder Creek Wilderness Study
11 Area.

12 (2) RELEASE.—Any public land described in
13 paragraph (1) that is not designated as wilderness
14 by this title—

15 (A) is no longer subject to section 603(c)
16 of the Federal Land Policy and Management
17 Act of 1976 (43 U.S.C. 1782(c)); and

18 (B) shall be managed in accordance with
19 land management plans adopted under section
20 202 of that Act (43 U.S.C. 1712).

21 **TITLE III—BOULDER-WHITE** 22 **CLOUD MANAGEMENT AREA**

23 **SEC. 301. ESTABLISHMENT OF MANAGEMENT AREA.**

24 (a) FINDINGS AND PURPOSES.—In the case of those
25 Federal lands not designated as wilderness in title II, Con-

gress has examined the management alternatives for such lands and finds that the designation of such lands as a special management area will provide outstanding opportunities for many forms of recreation, including mountain biking, snowmobiling, and the use of off-road motorized vehicles. The purpose of this title is to statutorily provide for the continued management of such lands for motorized and other recreational opportunities, livestock grazing, and conservation and resource protection in accordance with the existing management areas, plans, and applicable authorities of the Challis National Forest, the Sawtooth National Recreation Area, and the Challis District of the Bureau of Land Management. In addition, it is the purpose of this title to provide that motorized use of such lands shall be allowed in accordance with the travel map entitled “Boulder-White Clouds Management Area Travel Plan” and dated June 1, 2005.

(b) ESTABLISHMENT.—Those Federal lands in the Challis National Forest, the Sawtooth National Recreation Area, and the Challis District of the Bureau of Land Management that are not designated as wilderness in title II, as generally depicted on the map entitled “Boulder-White Cloud Management Area” and dated June 1, 2005, are hereby designated as the Boulder White Cloud Management Area (in this title referred to as the “management

1 area”) and shall be managed as provided by this title. The
2 designation of land already in the Sawtooth National
3 Recreation Area for inclusion in both the management
4 area and the Sawtooth National Recreation Area is de-
5 clared to be supplemental to, not in derogation of, the
6 Sawtooth National Recreation Area.

7 (c) ADMINISTRATION.—Except as otherwise provided
8 in this title, the Secretary of Agriculture, in the case of
9 National Forest System lands included in the management
10 area, and the Secretary of the Interior, in the case of pub-
11 lic lands included in the management area, in this title
12 referred to as the “Secretary concerned”, shall administer
13 the management area in accordance with this title and the
14 laws and regulations generally applicable to the National
15 Forest System lands and the public lands included in the
16 existing management areas and in accordance with the ex-
17 isting management plans of the Sawtooth National Recre-
18 ation Area, Challis National Forest and the Challis Dis-
19 trict of the Bureau of Land Management as referenced
20 by the map referred to in subsection (b). If lands in the
21 management area are also included in the Sawtooth Na-
22 tional Recreation Area, the Secretary of Agriculture shall
23 also administer that land in accordance with Public Law
24 92–400 (16 U.S.C. 460aa et seq.).

1 (d) DEVELOPMENT.—No new roads may be con-
2 structed within the management area, except as necessary
3 for access to campgrounds and other recreation areas as
4 determined by the Secretary concerned. Roads may be
5 maintained and relocated as necessary. The Secretary con-
6 cerned shall permit the mining and removal of gravel,
7 sand, and rock along existing roads in the management
8 area as necessary for road maintenance in accordance with
9 the applicable management plan.

10 (e) TIMBER HARVESTING.—Timber harvesting may
11 be allowed on lands in the management area only in ac-
12 cordance with the management plan applicable to the
13 lands and for necessary control of fire, insects, and dis-
14 eases and for public safety.

15 (f) TRAILS.—

16 (1) CONSTRUCTION, MAINTENANCE, AND IM-
17 PROVEMENTS.—There is authorized to be appro-
18 priated to the Secretary of Agriculture and the Sec-
19 retary of the Interior \$650,000 for trail construction
20 and maintenance and for other improvements related
21 to outfitting, guiding, hiking, and horseback use
22 within the management area. Amounts appropriated
23 pursuant to this authorization of appropriations
24 shall remain available until expended.

1 (2) SET-ASIDE FOR TRAIL CONSTRUCTION.—Of
2 the amounts appropriated pursuant to the authoriza-
3 tion of appropriations in paragraph (1), \$150,000
4 shall be available for the construction of—

5 (A) a trail between the Phyllis Lake Road
6 (USFS Road #053) and Phyllis Lake, which
7 shall be primitive and non-paved, but wheel-
8 chair accessible, and open only to non-motorized
9 travel;

10 (B) other trails in the management area;
11 and

12 (C) trails into the wilderness area referred
13 to in section 202(e)(2).

14 **SEC. 302. LAND ACQUISITION IN MANAGEMENT AREA.**

15 (a) LAND ACQUISITION.—The Secretary concerned
16 may acquire, by donation or purchase from willing sellers,
17 lands and interests in lands—

18 (1) located inside the boundaries of the man-
19 agement area; or

20 (2) located adjacent to the management area to
21 provide easements for additional public access to the
22 management area.

23 (b) NO USE OF CONDEMNATION.—No lands or inter-
24 ests in lands may be acquired by condemnation for inclu-

1 sion in the management area or to provide access to the
2 management area.

3 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
4 authorized to be appropriated not more than \$5,000,000
5 to carry out this section. Amounts appropriated pursuant
6 to this authorization of appropriations shall remain avail-
7 able until expended.

8 **SEC. 303. MOTORIZED AND BICYCLE TRAVEL.**

9 (a) MOTORIZED AND BICYCLE TRAVEL AUTHOR-
10 IZED.—In the case of land included in the management
11 area, motorized and bicycle travel shall continue to be al-
12 lowed in accordance with Forest Service and Bureau of
13 Land Management travel plans and maps in existence as
14 of September 1, 2003, which managed recreation use for
15 the specific areas, roads, and trails on those lands, as ref-
16 erenced on the travel map entitled “Boulder-White Clouds
17 Management Area Travel Plan” and dated June 1, 2005.

18 (b) ESTABLISHMENT OR USE OF OTHER TRAILS AND
19 ROUTES.—Notwithstanding subsection (a), other trails
20 and routes may be used for motorized and bicycle travel
21 whenever the Secretary concerned considers such use to
22 be necessary for administrative purposes or to respond to
23 an emergency.

24 (c) ROUTE AND TRAIL CLOSURES.—The following
25 roads or trails shall be closed to motorized and mechanized

1 trail use, except when there is adequate snowcover to per-
2 mit snowmobile use:

3 (1) Forest Service Trail 109 between the Phyl-
4 lis Lake turnoff to 4th of July Lake and the south
5 side of Washington Lake.

6 (2) Forest Service Trail 671 up Warm Springs
7 Creek from Trail 104 to the wilderness boundary.

8 (d) GROUNDS FOR TRAIL SEGMENT CLOSURES.—Re-
9 source damage that can be mitigated and issues of user
10 conflict shall not be used as grounds for the closure of
11 a trail or route in the management area, although the Sec-
12 retary concerned may close any trail or route, or prohibit
13 the use of trail or route for motorized and mechanize trav-
14 el, if the Secretary determines that such closure or prohi-
15 bition is the only reasonable means available for resource
16 protection or public safety.

17 (e) MITIGATION OF TRAIL CLOSURES.—If the Sec-
18 retary determines under subsection (d) that closing an
19 available trail or route in the management area is nec-
20 essary for resource protection or public safety, the Sec-
21 retary shall take any of the following mitigation actions,
22 intended to provide commensurate motorized recreation
23 opportunities in the same general area of the management
24 area:

1 (1) Repair resource damage and secure condi-
 2 tions so that closed trails may be reopened to motor-
 3 ized use.

4 (2) Replace, relocate, or reroute the trail or the
 5 trail segment to provide a similar link between travel
 6 points.

7 (3) A combination of the actions specified in
 8 paragraphs (1) and (2) and other actions to achieve
 9 the overall mitigation objective.

10 (f) RELATION TO OTHER LAWS.—In considering
 11 mitigation actions under subsection (e), the Secretary con-
 12 cerned shall ensure that such action is consistent with the
 13 overall objectives of the management area. If the lands
 14 are also included in the Sawtooth National Recreation
 15 Area, the Secretary concerned shall also administer the
 16 action in accordance with Public Law 92–400 (16 U.S.C.
 17 460aa et seq.), the map dated _____, 2005, and execu-
 18 tive orders and other relevant laws and regulations exist-
 19 ing on or before the date of the enactment of this Act.

20 **SEC. 304. SUPPORT AND USE OF IDAHO OFF ROAD MOTOR**
 21 **VEHICLE PROGRAM.**

22 (a) GRANT TO PROGRAM.—There is authorized to be
 23 appropriated to the Secretary of Agriculture not more
 24 than \$1,000,000, which shall be used by the Secretary to
 25 make a grant to the State of Idaho in the full amount

1 so appropriated for deposit with the Off Road Motor Vehi-
2 cle Program of the Idaho Department of State Parks and
3 Recreation, which is used to support the acquisition, pur-
4 chase, improvement, repair, maintenance, furnishing, and
5 equipping of off-road motor vehicle facilities and sites, to
6 groom snowmobile trails, and for enforcement activities
7 and the rehabilitation of land damaged by off-road vehicle
8 users. As a condition of the grant, the State must main-
9 tain the grant funds as a separate account of the Off Road
10 Motor Vehicle Program and may not use the funds except
11 as provided by this section.

12 (b) USE OF GRANT FUNDS.—When the Secretary
13 concerned determines that additional funds are required
14 to carry out the activities described in subsection (a) in
15 the management area, the Secretary may apply for funds
16 from the Off Road Motor Vehicle Program. Funds re-
17 ceived under this subsection shall be used only in the man-
18 agement area.

19 (c) CONSULTATION AND RECOMMENDATIONS.—Be-
20 fore funds are provided under subsection (b), the Off Road
21 Motor Vehicle Program shall consider any recommenda-
22 tions regarding the use of the funds made by the advisory
23 committee established as part of the program as well as
24 public comments.

1 (d) RELATION TO OTHER LAWS.—Any action under-
2 taken using funds obtained under subsection (b) shall con-
3 form to the applicable travel plan of the Challis National
4 Forest, the Sawtooth National Recreation Area, or the
5 Challis District of the Bureau of Land Management.

6 **SEC. 305. AIRPORTS AND LANDING STRIPS.**

7 No airstrips exist in the wilderness areas designated
8 by title II. Nothing in this Act shall be construed to re-
9 strict or preclude the use of public or private airports or
10 landing strips located within the management area or ad-
11 jacent to a wilderness area designated by title II.

12 **TITLE IV—WAIVER OF GRAZING**
13 **PERMITS**

14 **SEC. 401. FINDINGS AND PURPOSE.**

15 (a) FINDINGS.—Congress finds the following:

16 (1) Grazing allotments on the lands designated
17 as wilderness by title II, and on nearby Federal
18 lands, have been reduced repeatedly by Forest Serv-
19 ice and other Federal agency decisions reflecting
20 changes in the management of such lands.

21 (2) Future management changes for these lands
22 directed to the watershed recovery for the purposes
23 of restoration of endangered fish populations may
24 result in additional grazing restrictions.

1 (3) Many of the ranching families who have
2 used these lands have found themselves unable to
3 survive economically or to recapture lost economic
4 opportunities as a consequence of the location of
5 their ranching operations.

6 (b) PURPOSE.—The purpose of this title is to offer
7 economic options for traditional users of such lands who
8 have been adversely impacted by past changes, and will
9 be adversely impacted by future changes, in the manage-
10 ment of such lands.

11 **SEC. 402. VOLUNTARY GRAZING PERMIT WAIVER PRO-**
12 **GRAM.**

13 (a) ELIGIBILITY FOR PARTICIPATION.—Only persons
14 that held, on September 30, 2004, a valid grazing permit
15 located in whole or in part in a wilderness area designated
16 by title II or the watershed of the East Fork Salmon River
17 shall be eligible to participate in the voluntary grazing per-
18 mit waiver program under this title.

19 (b) NOTICE OF PARTICIPATION.—If a person de-
20 scribed in subsection (a) desires to participate in the vol-
21 untary grazing permit waiver program under this title, the
22 person shall notify the Federal agency from which the per-
23 son obtained the permit, in writing, not later than one
24 year after the date of the enactment of this Act, of the
25 voluntary decision of the person to participate in the pro-

1 gram in exchange for compensation under section 403.
2 Nothing in this subsection prevents a person described in
3 subsection (a) from waiving, at any time, a grazing permit
4 without compensation.

5 (c) WAIVER.—In the notification submitted under
6 subsection (b), the person shall agree to waive the valid
7 grazing permit authorizing livestock grazing on grazing al-
8 lotments located in whole or in part on lands described
9 in subsection (a). The waiver shall take effect on the date
10 the person receives the compensation provided under sec-
11 tion 403, the date the person makes the waiver by dona-
12 tion, or the date the person receives appropriate com-
13 pensation from a third party, whichever occurs first.

14 (d) EFFECT OF PERMIT WAIVER ON RANGE DEVEL-
15 OPMENTS.—

16 (1) WAIVER.—Except as provided in paragraph
17 (2), a person who waives a permit under this section
18 shall be deemed to have waived any claim to all
19 range developments on the subject grazing allotment
20 or allotments.

21 (2) REMOVAL.—The Federal agency from which
22 a person obtained a grazing permit may authorize
23 the person to remove those range developments asso-
24 ciated with the permit that are not permanent and
25 are easily removable, as determined by the Federal

1 agency. The removal of the range developments shall
2 be completed before the end of the one-year period
3 beginning on the date the waiver of the permit takes
4 effect under subsection (c) and shall be subject to
5 the supervision of the Federal agency.

6 (e) CANCELLATION.—Not later than 30 days after
7 the waiver of a grazing permit takes effect under sub-
8 section (c), the Federal agency shall cancel the permitted
9 grazing on the Federal land in the allotments covered by
10 the notification. Upon cancellation, grazing permits shall
11 be prohibited in the areas where permits were waived, and
12 no future management allocations for grazing shall be per-
13 mitted.

14 (f) TREATMENT OF VACANT ALLOTMENTS.—Any va-
15 cant, unallocated grazing allotments in existence on lands
16 described in subsection (a) shall not be made available to
17 any person after the date of the enactment of this Act.

18 **SEC. 403. COMPENSATION.**

19 (a) ELIGIBILITY AND AMOUNT OF COMPENSATION.—
20 The Federal agency may make a payment to permittees
21 described in subsection (a) of section 402 who waive graz-
22 ing permits as provided in subsection (b) of such section
23 according to a schedule of payments prepared jointly by
24 such agencies and filed with the Committee on Resources
25 of the House of Representatives and the Committee on

1 Energy and Natural Resources of the Senate. The total
2 amount available for such payments is \$7,000,000. If a
3 permittee is in arrears of Federal grazing fees, the amount
4 of fees in arrears shall be deducted from the amount of
5 compensation otherwise due the permittee under this sub-
6 section.

7 (b) EXCEPTIONS.—Compensation shall not be pro-
8 vided under this section if the permittee waives the permit
9 by donation. The amount of any compensation the per-
10 mittee receives from a third party for the waiver of the
11 permit shall be deducted from the amount of compensation
12 otherwise due the permittee under subsection (a).

13 (c) PROHIBITION ON USE OF FUNDS FOR ADMINIS-
14 TRATIVE COSTS.—None of the funds made available to
15 provide compensation under this title may be used to cover
16 administrative costs incurred by a Federal agency to carry
17 out this title.

